

Serial No. 09/167,088

PATENT



26874

PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Fred Finkelman, et al. : Paper No:
Serial No. 09/167,088 : Group Art Unit: 1641
Filed: October 6, 1998 : Examiner: G. Gabel
For: METHODS FOR MEASURING IN VIVO CYTOKINE PRODUCTION

PETITION FOR EXTENSION OF TIME

THE ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Dear Sir:

Applicants hereby petition the Commissioner of Patents and Trademarks to revive the above-referenced patent application that has been declared abandoned. The Applicants submit that a response was made to the Office Action dated September 13, 2000, within the proper time frame upon extension of time for two months from December 13, 2000 to February 13, 2001. Enclosed are copies of the previous filings.

Applicants earlier submission of an Amendment Transmittal, Amendment and Response, Declaration, Request for two months extension of time, Filing Fee, Certificate of Express Mailing, and Return Postcard on February 13, 2001, represented a good faith attempt to comply with the office rules. While the application serial number 09/167,088 was placed throughout the submitted documents within the document header on each page submitted, the Transmittal Sheet listed an incorrect serial number, an obvious and inadvertent typographical error. All other application identifying information, including the Applicant's Name, the Group Art Unit, Filing Date, Examiner's Name, and Title, was correct and no other errors were present.

In view of the above, it is respectfully submitted that the amendment and response were timely filed and presented for consideration by the Examiner. Applicants request that

Serial No. 09/167,088

the Commissioner accept the earlier filed papers and extension of time along with the previous payment of fees. Applicants therefore request that any determination of abandonment should be withdrawn and the application considered for allowance.

Respectfully submitted,

FRED FINKELMAN, ET AL.



By

Stephen R. Albainy-Jenei
Registration No. 41,487
Attorney for Applicants
FROST BROWN TODD LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202
(513) 651-6839

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below:


(Type or print name of person signing certification)


Signature

Thursday, October 11, 2001
Date

FAX Telephone No.: (703) 308-4242

Attn: Ms. Gail Gabel

Art Unit No.: 1641

Serial No. 09/167,088